IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 3149 OF 2008 IN WRIT PETITION NO. 220 OF 2007
(Manik Rajaram Sawarkar .v. Vitthaldas Dashrathpant Dhore)

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri R.S. Charpe, Advocate for the petitioner/applicant.
Shri H.D. Futane, Advocate holding for Shri S.A. Gordey, Advocate for the respondent.

CORAM : R.V. MORE, J.
23RD APRIL, 2008.

Heard the learned Counsel appearing on behalf of the respective parties.

This is petitioner's application for permission to withdraw an amount of Rs.50,000/- deposited by him in this Court in pursuant of the order dated 14.02.2007.

The petition was heard on merit and this Court was pleased to allow the same by an order dated 18.04.2007 with direction to the lower appellate Court to dispose of petitioner's appeal within three months. This Court also permitted the respondent to withdraw an amount of Rs.50,000/- on furnishing surety.

The lower appellate Court decided the petitioner's appeal. The appeal was allowed. The trial Court's order was quashed and set aside and the matter was remanded back to the trial Court.

The respondent thereafter re-deposited an amount of Rs.50,000/- in this Court. Since the trial Court's decree was already set aside and the matter was remanded back, as on today there is no decree is passed against the petitioner.

Shri Futane, the learned Counsel for the respondent has no objection if the petitioner is allowed to withdraw the deposit.

In that view of the matter, I am passing the following order.

The petitioner is allowed to withdraw an amount of Rs.50,000/- initially deposited by him in this Court and subsequently withdrawn and re-deposited by the respondent.

Civil Application stands disposed of with no order as to costs.

JUDGE

*rrg.